

From: Donald King
To: Microsoft ATR
Date: 1/23/02 2:14pm
Subject: Microsoft Settlement

In my opinion as a citizen of these United States, the proposed settlement in the case of United States vs. Microsoft Corporation is not acceptable. Microsoft Corp. has an established history of violating the spirit (and occasionally the letter) of prior legal judgments. The proposed settlement leaves too many openings for Microsoft Corp. to maintain their monopoly power. In particular, the proposed settlement does little to correct the current situation with regard to the predatory pricing of Microsoft products.

Microsoft should be prohibited from using its Non-Disclosure Agreements (NDAs) with Original Equipment Manufacturers (OEMs) and corporate end users to enable it to price its software in a predatory manner. Specifically, Microsoft should be required to publish all contracts and licensing agreements which it enters to provide Microsoft software, and Microsoft should be prohibited from using any criteria except the number of licenses purchased to change the price of its software to a customer. The free market cannot be restored so long as Microsoft uses predatory pricing to lock OEMs and corporate end users in.

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